

REMARKS

Initially, Applicant would like to thank Examiner Fineman for granting an interview and for her time spent at the interview.

In response to the drawing objection noted in the Official Action, Applicant submits herewith a new drawing, labeled Figure 12. As discussed at the interview, this drawing finds support in claim 12 as filed and does not present new matter.

Claims 1, 6-62, 64 and 65 are pending in the application. Claims 64 and 65 have been newly added. Claim 63 is cancelled by the present amendment. Claims 6-61 are withdrawn from consideration as being directed to a non-elected species.

Canceling claim 63 is believed to render moot the rejection of claim 63 under 35 USC §112, first paragraph.

Claims 1 and 62 are rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The position set forth in the Official Action is that the specification does not describe "at least one objective lens and one eyepiece" and "at least one optical element positioned and arranged to match parallaxes...movable along a curved path". As noted in the Official Action, such recitation implies three distinct optical lenses. The position set forth in the Official Action is that objective lens 11 is the optical element such that

there are only two lenses. This position is incorrect. The correct position is that there are three distinct optical lenses.

As set forth at the interview, there are at least three instances in the specification that support Applicant's assertion that there are three distinct optical lenses.

First, claim 1 as originally presented recited three separate optical elements: eyepiece 71, objective lens 70 and optical elements 11.

Second, claim 12 as originally filed provides that "the optical elements 11 are located in front of the plane of the objective lens", such that the objective lens and optical elements are separate elements, not the same element as argued by the Examiner.

Third, page 22, lines 1-15 disclose a vision aid that includes two lens systems that each comprise at least one objective lens 70, one eyepiece 71 and a means for matching the parallax. The parallax is matched using adjustable optical elements 11 that are in the beam paths of the lens systems. Accordingly, there are three optical lenses: eyepiece 71, objective lens 70 and optical elements 11.

In conjunction with the new drawing filed herewith and the above-noted remarks, the rejection under 35 USC §112, second paragraph, should be withdrawn.

Claims 1, 62 and 63 are rejected as unpatentable over KANDA 4,886,340 in view of Austrian Patent Publication No. AT 000307 (AT-307). This rejection is respectfully traversed.

The position set forth in the Official Action is that KANDA teaches an objective lens 5 and an eyepiece 4. The Official Action also indicates that element 5 is positioned and arranged to match parallaxes between the lens systems of the vision aid to the focal length. The Official Action offers column 3, line 55 through column 4, line 2 of KANDA as providing support for this position and concludes that KANDA meets the recited three optical element system.

As pointed out at the interview, KANDA teaches a two optical element system: the objective lens 5 and the eyepiece 4. KANDA does not disclose or suggest optical elements that are distinct from the objective lens and eyepiece and that are adjustable for matching parallaxes, such that there are three distinct optical elements.

In addition, it does not appear that KANDA teaches at least one optical element that is movable along a curved path that crosses a beam path internal to the vision aid for changing an angle between external beam paths which run out of the respective lens systems towards the object as further recited in claim 1 of the present application.

Figure 6 of KANDA shows a straight line 8 from the eye 7 to the object 9. This line 8 is the beam path of KANDA. Objective

lens 5 moves along this line 8 (along the beam path), but does not cross the beam path.

AT-307 is only cited for the teaching of an autofocusing means and a means for changing the magnification factor of the lens system. AT-307 does not teach or suggest three distinct lenses that include at least one objective lens and one eyepiece and at least one optical element positioned and arranged to match parallaxes as recited in claim 1. In addition, AT-307 does not teach or suggest at least one optical element is movable along a curved path that crosses a beam path internal to the vision aid for changing an angle between external beam paths which run out of the respective lens systems towards the object as further recited in claim 1.

The above-noted features are missing from each of the references, are absent from the combination and are thus not obvious to one having ordinary skill in the art.

Claim 62 depends from claim 1 and further defines the invention and is also believed patentable over the cited prior art.

New claims 64 and 65 provide that the at least one optical element is structured and arranged to match parallaxes without changing a distance between respective eyepieces. As noted in the Interview Summary, such limitation appears to distinguish over the art of record. Support for claims 64 and 65

can be found on page 3, lines 27-30, page 5, lines 3-5, page 7, line 29 to page 8, line 4 and page 8, lines 19-21.

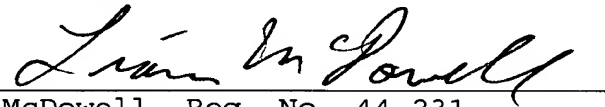
Claim 1 was originally indicated as generic. Claim 1 as presently amended is still believed generic. Since claim 1 is believed allowable and generic, withdrawn claims 6-61 should also be considered and allowed.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- new sheet for Figure 12

AMENDMENTS TO THE DRAWINGS:

New Figure 12 has been added.